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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,472	04/20/2006	Tatsuo Matsuoka	289997US2PCT	7211
22850 7590 02/26/2009 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER CHAN, KAWING	
			ART UNIT 2837	PAPER NUMBER
			NOTIFICATION DATE 02/26/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<i>Office Action Summary</i>	Application No.	Applicant(s)	
	10/576,472	MATSUOKA, TATSUO	
	Examiner	Art Unit	
	Kawing Chan	2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/20/06</u> .  | 6) <input type="checkbox"/> Other: ____.                          |

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement (IDS) submitted on 04/20/06 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by examiner.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 and 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Angst (WO 03/004397) (all the rejections below are based on Angst et al. US 7,117,979 B2, the equivalent translation of Angst WO 03/004397).

In Re claims 1 and 7, with reference to Figure 1A, Angst discloses an elevator apparatus comprising an elevator control apparatus (2) having an operation control portion (14, 15) that controls operation of a car (Col 4 lines 21-31) and a supervising portion (24) that detects abnormalities (overspeed) in the movement of the car (Col 4 lines 45-48), wherein when the supervising portion performs initial setting (Col 4 lines 45-48), the operation control portion (14) causes the car (8) to travel at a lower speed (33-35) than a speed at a time of normal operation according to each phase (at different

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travel way as shown in Figures 2-3, 4-5 & 7-8) of the initial setting (speed limit value graph 28) (Col 6 line 51 to Col 7 line 12 & Col 7 lines 34-46).

In Re claim 2, with reference to Figures 6 and 9, Angst teaches the supervising portion (24.1 & 24.2) outputs a permission signal (when speed below the speed limit value graph) regarding a speed of the car to the operation control portion according to each phase of the initial setting (Col 4 lines 15-26 & Col 7 lines 34-46).

In Re claim 3, Angst teaches the operation control portion (14, 15) selectively changes over (based on the speed of the car) a plurality of operation modes including normal operation mode (normal speed graph 29) and an initial setting operation mode (speed limit graph 28) for performing initial setting of the supervising portion while causing the car to travel, and controls operation of the car (8), and wherein in the initial setting operation mode, the operation control portion (14) causes the car to travel at a lower speed (33-35) than a speed in the normal mode according to each phase of the initial setting (speed limit graph 28) (Col 6 line 51 to Col 7 line 12 & Col 7 lines 34-46).

In Re claim 4, with reference to Figures 8 and 9, Angst teaches the supervising portion (24) comprises an emergency terminal speed-limiting device (24.2) for forcibly decelerating and stopping the car when the car approaches a vicinity of a terminal landing at a speed higher (46-48) than a preset speed (29) (Col 7 line 28 to Col 8 line 3).

In Re claim 6, with reference to Figure 9, Angst teaches a control position sensor (21) and a supervision position sensor (21) connected to the supervising portion (24.2) for detecting a position of the car (8) within a hoistway (Col 8 lines 14-17), wherein a

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relationship between a signal from the supervision sensor (41) and a position of the car within the hoistway is set in performing initial setting of the supervising portion (38.1-38.3) (Col 8 lines 18-28).

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Angst (WO 03/004397) (all the rejections below are based on Angst et al. US 7,117,979 B2, the equivalent translation of Angst WO 03/004397) as applied to claim 1 above, and further in view of Mueller (US 2004/0079591 A1).

In Re claim 5, Angst has been discussed above, but it fails to disclose the shortened buffer and the control portion causes the car to travel at a speed equal to or lower than a permissible collision speed of the shortened buffer.

However, with reference to Figures 1 and 4, Mueller discloses the use of reduced nominal speed (RG) in the end area of the shaft would enable the installation of a shortened buffer (smaller shaft pit and shaft head) (Paragraph [0011]), and wherein the operation control portion (2) causes the car to travel at a speed equal to or lower than a permissible collision speed of the shortened buffer (with the use of the reduced nominal

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speed RG at each shaft end) in performing initial setting of the supervising portion (monitored by the safety device) (Paragraph [0073]).

Thus, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have modified the teachings of Angst with the teachings of Mueller, since it is known in the art to utilize reduced speed limit at the shaft end so that smaller buffers will be needed (Paragraph [0011]).

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Herkel et al., Kugiya et al., Chenais, Spiess and Katzy et al. are further cited to show related teachings in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kawing Chan whose telephone number is (571)270-3909. The examiner can normally be reached on Mon-Fri 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Benson can be reached on 571-272-2227. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kawing Chan  
Examiner  
Art Unit 2837

/Lincoln Donovan/  
Supervisory Patent Examiner, Art Unit 2816